

## **BOULDER CITY COUNCIL PROCEEDINGS**

**Tuesday, January 19, 2010**

1. **CALL TO ORDER AND ROLL CALL**

Mayor Osborne called the regular January 19, 2010 council meeting to order at 6:00p.m. in the council chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian and Morzel.

Mayor Osborne made a brief announcement about the Boards and Commissions recruitment noting the deadline to apply was February 19, 2010.

Mayor Osborne then explained that public participation time would be limited to 2 minutes per speaker due to the number of people signed up to speak.

2. **PUBLIC PARTICIPATION and COUNCIL/STAFF RESPONSE** – 6:05 p.m.

1. Amy Stein, Chair of the Human Relations Commission, indicated that the HRC had been hearing from hundreds of members of the community as well as city staff including the Police Chief, Municipal Judge, and members of non-profit organizations geared toward helping the homeless. She read a statement from the HRC expressing grave concern about the homeless issue in Boulder and recommending that council consider the issue a top priority.
2. Ray Stewart, Human Relations Commission member, also spoke to the homeless issue expressing that urgent action is needed to supply more beds in Boulder to provide these residents with the basic of human rights.
3. Jack Collom spoke in opposition to boating on Boulder Reservoir.
4. Deborah Prowell read a poem about homelessness.
5. Terri Sternberg indicated that she would like to see a moratorium on camping tickets to prevent the expense on the homeless as well as the City. More problem solving is needed.
6. Deidra Templeton spoke to her homeless experience in Boulder noting that her primary concerns were safety, weather and trusting those around her. A camping ticket is the last thing the homeless need in Boulder.
7. Stachia Simons spoke to the need for the City to help the homeless help themselves. Please don't push people into a corner. The homeless deserve their basic human rights.
8. Seth Brigham spoke to the need for public access television, particularly to give voices to the voice-less. He questioned the security at the Council meeting and whether that money could be better spent on the homeless. Please bring back public access.
9. Daniel Shaner, student at Naropa and friends with some homeless, expressed his concern about how the homeless are treated in Boulder and asked the Council to end the camping law.
10. Rob Smoke seconded the sentiments regarding a moratorium on camping. He also spoke to the Boulder Reservoir issue and asked viewers to check out [www.saveboulderres.com](http://www.saveboulderres.com).

11. Daniel Armstrong arrived in Boulder a year ago and with the help of the Carriage House has become a success story and is no longer homeless. He supported a moratorium on the camping ordinance and asked Council to help local organizations who provide program support to help the homeless lead productive lives.
12. Evan Ravitz spoke in favor of the moratorium on camping in Boulder and briefly described his experience being homeless in Boulder. He asked the city to provide a camping area and please stop ticketing the homeless in Boulder.
13. Carolyn Bninski, on behalf of the Rocky Mountain Peace and Justice Center, noted no matter how secure we feel, anyone could end up homeless. She asked council to reconsider the policy of ticketing campers and arresting the homeless and instead provide better options such as church parking lots. She quoted a statistic from Trends Magazine, put out by the Community Foundation, noting that 82% of the homeless in Boulder lived in Boulder prior to becoming homeless. Please decriminalize sleeping for homeless.
14. Ellen Stark supported the homeless and previous speakers' comments. She supported the moratorium on camping and allowing sleeping in vehicles. She also commented that the Longmont Police hand out blankets and toothbrushes. Why can't this be done in Boulder?
15. David Carson spoke to University Hill Revitalization and asked Council to make this a top priority for 2010.
16. Buddy Maiden a homeless IT professional spoke to a recent ticket he received for sleeping in his vehicle noting that he really had no other option. Boulder is one of the smartest cities in the country and should be able to figure this out.
17. Madelyn Clair spoke to the need for other towns in the County to provide overnight homeless shelters. Boulder is one of the only towns in the County that provides a homeless shelter and more should be done regionally.
18. Mark Denney asked for a moratorium on the camping tickets. He provided Council and staff with a white paper on homeless solutions. He asked council to do something in the mean time to help with the issue and prevent residents from freezing outside when their allotted time was up at the shelter.
19. Jane Allen-Fenster spoke to the University Hill Revitalization issue noting she had been shocked by the trash and vandalism on the Hill. She encouraged the CU/City partnership and asked why there was no work plan in progress.
20. Karen Worminghaus, representing eGoCar Share, spoke to how the Car Share program can aid the community and reduce carbon emissions.
21. James Pribyl spoke to the University Hill Revitalization issue and urged Council to make this a top priority for 2010.
22. Richard Thuyer also urged the Council to support the redevelopment of the University Hill.
23. Michael Fitzgerald spoke to the numerous tickets he had received for camping in Boulder. He needed a place to sleep while he tried to find housing and goes through the process.
24. Adam Odoski, owner of the Village Green Society in Downtown Boulder, a medical marijuana boutique and healing arts practice, noting that they are committed to being a model business in the community and one of the first medical marijuana businesses to join the Chamber of Commerce. He urged Council to consider the economic impacts noting that medical marijuana businesses are contributing to the local economy. He invited Council Members to an upcoming Open House Thursday from 4-6 p.m. at 2043 16<sup>th</sup> Street.

25. Michael Johnson spoke to his experience being homeless in Boulder and supported the moratorium on the camping ordinance.
26. Leslie Glustrom provided a handout to City Council concerning the Climate Action Plan noting that our electricity consumption was one of the largest offenses. She asked for an open, meaningful on-going process.
27. David Lee Madison spoke to America being founded on freedom, yet some countries show more freedom and compassion. What good is a spiritual, environmental community if it doesn't do what it had been taught. He urged council to give the homeless community a chance and stop writing tickets.

**City Manager Response: - 7 p.m.**

1. Regarding the Homeless issue; the Human Relations Commission has this issue on their work plan for the 1<sup>st</sup> quarter of 2010. Staff recommended that Council refer this issue back to the HRC and to come back to Council once further information is available. A Weekly Information Packet would be forthcoming in the next couple of weeks with additional information.
2. Regarding the University Hill Revitalization; She noted that the issue would be discussed at the upcoming Council Retreat.
3. Regarding the Climate Action Plan; that issue would also be discussed at the upcoming Council Retreat.
4. Concerning Boulder Reservoir; the item was on the agenda for later in the meeting.

**City Attorney Response: - None.**

**City Council Response: - 7:03 p.m.**

Council Member Wilson indicated he would take the homelessness issue to the Consortium of Cities to see if he could raise the issue as a top priority for that group. In addition, he noted he would support the Climate Action Plan and University Hill Revitalization at the upcoming goals retreat.

Council Member Morzel asked for more work during the interim, such as handing out blankets, until the HRC is able to return to Council and she hoped that would be sooner rather than later. Regarding the comments on Car Share, she indicated she would support including non-profits in the mix with RTD to achieve less single-occupancy vehicle trips.

Council Member Gray agreed that more needed to be done in the interim and that we should partner with other communities to help provide more resources for the homeless.

Council Member Becker asked if the following information could be included in the Weekly Information Packet item: more information about enforcement and sentencing (how many tickets, what other offenses are being written at the same time, and how many tickets aren't written), how many result in jail time, how many result in fines and how many result in community service; what other ordinances are in place in other communities, what are other communities doing and what are local churches doing. In essence, she would like to see the bigger picture.

Council Member Cowles clarified with the City Manager that the Human Relations Commission was not asking for a moratorium at this moment but would likely come back with a recommendation to Council. He indicated he would like a staff report to come back with options for a moratorium as soon as possible so that the matter is addressed prior to spring.

This received council consensus.

3. **CONSENT AGENDA: - 7:20 p.m.**

- A. **FOURTH READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7701 (ATTACHMENT A), REPEALING CHAPTER 9-13, INCLUSIONARY ZONING OF THE BOULDER REVISED CODE AND ADOPTING IN ITS PLACE CHAPTER 9-13, INCLUSIONARY HOUSING.**
- B. **INTRODUCTION, FIRST READING AND CONSIDERATION OF AN EMERGENCY ORDINANCE ADOPTING SUPPLEMENT NO. 103, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 7672, 7684, 7687, 7690, 7697, 7698, 7699, AND 7706 AND OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS, AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981.**
- C. **CONSIDERATION OF A MOTION TO ACCEPT:**
  - 1. **PROPOSED VISION AND GOALS FOR THE BOULDER RESERVOIR MASTER PLAN, AND**
  - 2. **STUDY SESSION SUMMARY FROM DECEMBER 8, 2009**

Council Member Cowles moved, seconded by Morzel to approve consent items 3A through 3C.

Council Member Gray offered a friendly amendment to item 3C to replace the first goal on page 6 of the agenda memo and replacing it with alternate option 1 and the four bullets at the bottom of page 6 of the memo as follows:

- 1. Balance multiple City goals in the sustainable development and use of the reservoir area including:
  - Waste reduction;
  - Carbon emissions reduction;
  - Water conservation; and
  - Reduction of single occupancy auto trips, encouragement of alternative transportation options and management of parking.

The friendly amendment was accepted by the maker and seconder of the motion.

Council Members Ageton, Becker, Karakehian and Wilson indicated they would vote against item 3A.

Vote was taken on the motion to approve consent items 3A through 3C. The motion carried 9:0 with item 3C amended and Council Members Ageton, Becker, Karakehian and Wilson opposed to item 3A. – 7:35 p.m.



4. **CALL- UP CHECK IN:**

None.

**ORDER OF BUSINESS**

5. **PUBLIC HEARINGS:**

- A. **SECOND READING AND CONSIDERATION OF ORDINANCE NO. 7709 DESIGNATING THE BUILDING AND SITE AT 1017 MAXWELL AVENUE, TO BE KNOWN ALSO AS THE INGLIS HOUSE, AS AN INDIVIDUAL LANDMARK UNDER THE CITY'S HISTORIC PRESERVATION CODE. *THE HEARING ON THIS ITEM WILL BE HELD UNDER THE QUASI-JUDICIAL HEARING PROCEDURES OF THE B.R.C.* OWNER/APPLICANT: CINDY AND LARRY MORPHEW. – 7:35 P.M.**

City Clerk Lewis swore in all participants in the hearing.

There were no Council *ex-parte* communications.

James Hewat, Historic Planner, provided the staff presentation on the item.

There being no speakers the public hearing was closed.

Council Member Morzel moved, seconded by Osborne to adopt Ordinance No. 7709 designating the building and site at 1017 Maxwell Avenue, to be known as the Inglis House, as an individual landmark under the City's Historic Preservation Code. The motion carried unanimously, 9:0.

6. **MATTERS FROM THE CITY MANAGER:**

- A. **CITY MANAGER'S UPDATE ON IMPLEMENTATION OF PRIORITY BASED BUDGETING – 7:44 P.M.**

City Manager Brautigam provided a brief introduction to the item noting that the Management Team had drafted the proposed results being presented to Council. She then outlined a summary of next steps in the Priority Based budgeting process which included: determining the results, clarifying result definitions, identifying and costing programs and services, applying result definitions and prioritizing programs, drafting 2011 recommended budget based on the priorities and other factors, and finally reviewing and considering the 2011 recommended budget. Ms. Brautigam encouraged Council Members to provide input and adjust or refine the draft results in any manner it deemed appropriate.

Mayor Osborne noted that this was the first opportunity Council would have to look at the new budgeting process being implemented by the City Manager and her staff. She noted the purpose of the Council discussion was to provide feedback in a somewhat lighthearted manner to assist the City Manager in moving forward. Generally Mayor Osborne thought staff had done a good job on the results and definitions. City Manager Brautigam clarified that several study sessions were scheduled throughout the year to keep Council Members informed throughout the budget process as had been done in

previous years.

Council Member Karakehian commented that throughout the course of his conversations with Department Heads he had seen excitement and engagement regarding the new priority based budgeting.

Council Member Gray commented that under the Environment and Community result, 3<sup>rd</sup> bullet, it felt a little confining. She didn't want to see programs evaluated in a narrow category and wanted to make sure it was expansive enough to incorporate the various types of activities that the community engages in. City Manager Brautigam noted this category was difficult to keep to five bullets. She suggested perhaps something simple like "provide a diversity of recreational opportunities" would be better.

Council Member Gray mentioned bullet 3 under Accessible and Connected Community noting that the infrastructure piece could not lose the planning connection. For example, the Open Space Acquisition Program sometimes had planning components. City Manager Brautigam commented that much of the planning components fell under bullet 2 of the Economically Vital Community result.

Council Member Ageton raised concern that the community would be allowed to provide feedback as the results seemed primarily based on council goals and the community could disagree with what the results/goals should be. City Manager Brautigam explained that the community would not begin with what is presented to Council but rather a facilitator would start from scratch at public meetings allowing residents to provide comments about what kind of community they want.

Council Member Ageton asked how a program that would show up under multiple results fits into the prioritization process. Finance Director Bob Eichen noted that a program that falls under multiple categories may in fact come out as a higher priority which would then require further staff/council discussion. Council Member Ageton indicated it would be important for Council to be careful about ensuring the right programs are selected.

Council Member Ageton then commented that she did not like the word "responsive" government as it didn't seem to fit the bullets in that category and didn't seem to capture more than just time. She would like to see more about fairness and transparency in that category.

Council Member Becker commented that she would like to see the Economically Vital Community category contain something about entrepreneurship, as that was one of the key characteristics of the Boulder community – retaining diverse businesses.

Council Member Cowles commented that he didn't feel the 1<sup>st</sup>, 4<sup>th</sup>, and 5<sup>th</sup> bullets under Healthy Environment and Economy were aggressive enough given the current state of the world. Also, based on the University, the Federal Labs and the quality of thought given to the environment by the residents, he thought the first bullet should say that it's "actions that reduce human impact on the environment."

Deputy Mayor Wilson, going on his fourth budget cycle, felt the priority based budgeting process was really a step forward and the most intriguing part was gaining a better understanding of the "products" the city delivers.

Council Member Morzel asked whether the process would occur on an annual basis. City Manager Brautigam explained that the prioritizing process would occur each year but the citizen input would probably not be necessary except for about every three to five years. During the next budget cycle, council would look at the results from this evening and tweak them as necessary.

Council Member Morzel asked how the dedicated taxes fit into the priority budgeting. City Manager Brautigam explained the dedicated taxes would fit in like they always had in previous budget cycles and did not anticipate any elimination of dedicated taxes.

Council Member Morzel asked about how discipline would be utilized in determining which programs would be funded. Ms. Brautigam explained that this process would help determine which programs that meet city goals were potentially over or under funded and the goal of the priority based budget was certainly not to find programs with an intent to eliminate them.

Council Member Gray clarified that the opportunity for public focus groups would be advertised in the newspaper.

Council Member Ageton commented that the fourth bullet under Inclusive & Socially Thriving Community was almost identical to the second bullet under Healthy Environment and Community. She then asked about the use of the word “infrastructure” in Accessible and Connected Community. City Manager Brautigam clarified that the word infrastructure was intended to be broader than transportation and include communication as well as information technology and others. Council Member Ageton also commented that revenue enhancement was not reflected in the bullets.

Council Member Appelbaum raised concern about how the priority based budgeting would play out. The results seemed broad enough but asked how disagreements would be handled. City Manager Brautigam commented that utilizing a new budgeting method was a leap of faith and she was prepared for any outcome, good or bad. Council Member Appelbaum was concerned that some of the goals could cause certain programs to score too high or too low and it would be important to remain flexible as staff and Council goes through the next several steps.

Council Member Cowles agreed with Council Member Appelbaum’s concerns. City Manager Brautigam did not disagree with the concerns raised. Finance Director Bob Eichem expressed that he was responsible for looking out for the best interests of the entire City and saw the process as an opportunity to refine services (including duplicative processes) throughout the City versus the silo approach that had been done in the past.

Mayor Osborne asked who would be doing the grading or ranking of programs. City Manager Brautigam clarified that would be done by department staff, then considered by a peer review team, followed by budget team review.

City Manager Brautigam indicated staff would come back to council after the community process was concluded.

7. **MATTERS FROM THE CITY ATTORNEY:** - None.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:** - 8:35 p.m.

**A. ANNUAL COUNCIL COMMITTEE APPOINTMENTS DISCUSSION.**

Council Members discussed what the various regional and local committees require of Council liaisons in terms of time and responsibilities; then discussed which Council Members would represent which committees. Additional discussion at the Council Retreat was requested to determine representatives for some of the committees.

It was suggested that Council could take a lighter approach to some of the local organizations and truly serve as liaisons rather than full members attending all meetings. Some of the ideas discussed included: 1) dinner once or twice a year with each of the local organizations; and 2) asking the local organizations for feedback about what their needs are (i.e. cut back attendance)

**B. US 36 TIGER GRANT UPDATE. MAYOR OSBORNE – 9:48 P.M.**

Mayor Osborne mentioned that there was a regional transportation issues study session on January 26, 2010. She reported no new news about the Tiger Grant, but potentially by the end of January.

**C. JEFFERSON PARKWAY UPDATE. COUNCIL MEMBER COWLES – 9:49 P.M.**

Council Member Cowles reported that a Denver Regional Council of Governments vote seemed to be moving toward parkway proponents and that he intended to participate in a late meeting Wednesday evening at DRCOG.

9. **PUBLIC COMMENT ON MATTERS:** - None.

10. **FINAL DECISIONS ON MATTERS:** - None.

11. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 9:55 P.M.

APPROVED BY:



Susan Osborne,  
Mayor

ATTEST:



Alisa D. Lewis,  
City Clerk